

Message Text

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ACTION PM-04

INFO OCT-01 NEA-10 ISO-00 CIAE-00 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 EB-07

TRSE-00 CPR-01 SCA-01 MMO-01 MC-02 OPR-02 /072 W

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R 291025Z SEP 75

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC 3740

INFO SECDEF WASHDC//ISA//

JCS WASHDC

USCINCEUR VAIGHINGEN GER

C O N F I D E N T I A L KUWAIT 3982

E.O. 11652: GDS

TAGS: MASS, KU

SUBJ: DRAFT KUWAITI MEMORANDUM OF UNDERSTANDING ON USLOK

REF: KUWAIT 3983 DTG 291030Z SEP 75

SUMMARY: GOK HAS PROVIDED EMBASSY WITH TEXT OF PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN USG/GOK DEFENSE MINISTERS DESCRIBING PRIVILEGES, IMMUNITIES, PAYMENTS AND SERVICES GOK WILLING TO PROVIDE U.S. LIAISON OFFICE KUWAIT. TEXT SENT REFTEL. EMBASSY HAS BEEN PROMISED CLARIFICATION GOK POSITION ON SEVERAL KEY ISSUES. IN MEANTIME, PRELIMINARY VIEW OF STATE AND DEFENSE ARE SOUGHT. END SUMMARY.

1. DCHIMAU ANL USLOK CHIEF COL COX MET AT KUWAIT MINISTRY FOREIGN AFFAIRS SEPTEMBER 28 WITH TARIQ RAZZUQI, CHIEF OF LEGAL DEPARTMENT, AND REPRESENTATIVES GOK MINISTRY OF DEFENSE TO DISCUSS PROPOSED MEMORANDUM OF UNDERSTANDING SUPPLEMENTING RECENT EXCHANGE OF NOTES AGREEING TO THE ESTABLISHMENT OF USLOK.

2. RAZZUKI TABLED DRAFT PROPOSED EXCHANGE BETWEEN GOK MINDEF AND US SECRETARY OF DEFENSE DESCRIBING IMMUNITIES AND PRIVILEGES GOK WILLING TO ACCORD STAFF OF USLOK AND OUTLINING SERVICES AND
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PAYMENTS GOK WILLING TO PROVIDE. TEXT OF PROPOSED EXCHANGE SENT

REFTEL. COPIES OF DRAFT TEXT AND ACCOMPANING TABLE, INCLUDING ARABIC LANGUAGE VERSION PREPARED IN MINISTRY FOREIGN AFFAIRS, BEING SENT FIRST AVAILABLE AIR POUCH.

3. RAZZUKI SAID KUWAIT DRAFT HAD BEEN PREPARED FOLLOWING CONSIDERATION INFORMAL US VIEWS RE POSSIBLE CONTENTS (GIVEN MINDEF ON JUNE 22)

STUDY OF SIMILAR US AGREEMENTS WITH OTHER GOVERNMENTS IN AREA (SAUDI ARABIA AND IRAN) AND IN LIGHT OF EXISTING AND PROSPECTIVE REQUIREMENTS FOR KUWAIT TO REACH UNDERSTANDINGS RE TECHNICAL ADVISERS WITH OTHER ARMS SUPPLIERS. ACCORDING TO RAZZUKI, GOK IS READY TO MOVE AHEAD RAPIDLY AND MINISTER OF DEFENSE IS PREPARED TO SIGN AMENDED SECURITY AGREEMENT AND BOTH MINDEF AND MINISTER OF FOREIGN AFFAIRS HAD APPROVED KUWAITI DRAFT MOU. GOK PREFERRED THAT EXCHANGE OF MOU, AS WITH SECURITY AGREEMENT, BE BETWEEN RESPECTIVE MINISTERS OF DEFENSE.

4. IT IS OBVIOUS THAT LANGUAGE IN PROPOSED KUWAITI DRAFT IS DRAWN FROM ITS INFORMAL AGREEMENTS WITH OTHER SUPPLIERS OF TECHNICAL ADVICE (UK AND PAKISTAN) AND BASICALLY CALLS FOR THE QUOTE SECONDING UNQUOTE OF US PERSONNEL TO KUWAIT ARMED FORCES.

5. IN LONG PARAGRAPH-BY-PARAGRAPH REVIEW OF KUWAITI DOCUMENTS WE RAISED NUMBER OF QUESTIONS REGARDING KUWAITI INTENTIONS AND LANGUAGE. THESE INCLUDED, INTER ALIA (BASED ON TEXT SENT REFTEL):

A. PARAGRAPH 2. IS GOK WILLING TO AFFORD DIPLOMATIC STATUS TO SENIOR SERVICE CHIEFS, IN ADDITION TO CHIEF, USLOK, AS AGREE IN EXCHANGE OF NOTES?

B. PARAGRAPH 5. IS GOK WILLING TO SUBSTITUTE WORD "OBSERVER" FOR WORD "MEMBER"? (WE DESCRIBED COURT PROCEDURES UNDER UNIFORM CODE OF MILITARY JUSTICE AND MADE CLEAR KUWAITI OFFICER COULD NOT BE MEMBER OF US COURTS MARTIAL.)

C. PARAGRAPH 12. WILL ALLOWANCES AND PAYMENTS SCHEDULES BE REVISED TO REFLECT US MILITARY GRADES? (GOK OFFICIALS AGREED THIS COULD BE DONE, POINTING OUT THAT PAYMENTS AND ALLOWANCES PROPOSED CONFIDENTIAL

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SUBSTANTIALLY EXCEED THOSE CURRENTLY MADE TO OTHER FOREIGN MILITARY ADVISERS. NOTE: TEXT OF ACCOMPANYING TABLE DOES NOT LEND ITSELF TO TELEGRAPHIC TRANSMISSION AND DEPARTMENT MUST AWAIT ITS RECEIPT BY AIRMAIL. OUR PRELIMINARY REVIEW SUGGESTS GOK OFFERING ONLY ABOUT TWO-THIRDS OF REAL COSTS TO USG OF PROVIDING AGREED PERSONNEL.)

6. WE ALSO QUERIED GOK RE FAILURE OF KUWAITI TEXT TO ADDRESS:

A. USE OF US UNIFORMS (KUWAITI'S EXPRESSED HOPE USG WOULD BE WILLING TO HAVE ITS PERSONNEL WEAR KUWAITI UNIFORMS "LIKE OTHER FOREIGN ADVISERS" BUT AGREED THIS UNLIKELY AND SEEMED RESIGNED TO CIVILIAN DRESS--THEY SUGGESTED THIS SUBJECT COULD BE NEGOTIATED AFTER LEARNING US VIEWS.):

B. NEED FOR ARMY IST OFFICE. (GOK OFFICIALS, AFTER CONSIDERABLE DISCUSSIONS, RECOGNIZED NEED FOR APO BUT SUGGESTED THIS SUBJECT BE NEGOTIATED SEPARATELY.):

C. GOK PAYMENT OF LANDING FEES AND OTHER CHARGES FOR US AIRCRAFT AND VESSELS. (KUWAITI'S BELIEVE THIS WILL NOT BE A PROBLEM WITH RESPECT TO AIRCRAFT ONCE MILITARY AIRFIELD CONSTRUCTION COMPLETED BUT AGREED TO DISCUSS WITH DIRECTOR CIVIL AVIATION AND ADVISE SOONEST. SUGGESTED THAT SHIP CLEARANCES, IF NECESSARY, BE NEGOTIATED ON INDIVIDUAL BASIS.)

D. DISPLAY OF US FLAG (WE SIMPLY NOTED THAT THIS "NON-ISSUE" SINCE USLOK WOULD BE INTEGRAL PART OF EMBASSY.)

7. COMMENTS: EMBASSY IS PLEASED THAT KUWAITI'S HAVE FINALLY RESPONDED TO OUR REPEATED URGING THAT FORMAL AGREEMENT BE REACHED ON FUTURE STATUS OF USLOK AND ITS PERSONNEL. IT APPARENT THAT GOK HAS GIVEN SERIOUS CONSIDERATION TO MATTER AND WE BELIEVE IT IMPORTANT THAT WE NOT RESPOND IN A NEGATIVE WAY. KUWAITI SUGGESTIONS DO CAUSE SOME PROBLEMS, BUT BELIEVE THEY FORM BASIS FOR ESTABLISHMENT OF MEANINGFUL DIALOGUE. EMBASSY WOULD APPRECIATE RECEIVING EARLIEST COMMENTS BY STATE AND DEFENSE, INCLUDING VIEWS OF THE DEPARTMENTS CONCERNING ADVISABILITY/DESIRABILITY OF OFFERING TO SEND TEAM TO KUWAIT WITH SUFFICIENT LEGAL EXPERTISE TO NEGOTIATE FINAL AGREEMENT.
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